

By: *Ayan*

5 J.R. No. *6*

SENATE

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that certain justice
2 precincts may contain more than one justice of the peace court.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article V, Section 18(a), of the Texas
5 Constitution is amended to read as follows:

6 (a) Each county in the State with a population of 30,000 or
7 more, according to the most recent federal census, from time to
8 time, for the convenience of the people, shall be divided into not
9 less than four and not more than eight precincts. Each county in
10 the State with a population of 18,000 or more but less than 30,000,
11 according to the most recent federal census, from time to time, for
12 the convenience of the people, shall be divided into not less than
13 two and not more than five precincts. Each county in the State
14 with a population of less than 18,000, according to the most recent
15 federal census, from time to time, for the convenience of the
16 people, shall be designated as a single precinct or, if the
17 Commissioners Court determines that the county needs more than one
18 precinct, shall be divided into not more than four precincts.
19 Notwithstanding the population requirements of this subsection,
20 Chambers County, from time to time, for the convenience of the
21 people, shall be divided into not less than two and not more than
22 six precincts. A division or designation under this subsection
23 shall be made by the Commissioners Court provided for by this
24 Constitution. In each such precinct there shall be elected one

S.J.R. No. 6

1 Justice of the Peace and one Constable, each of whom shall hold his
2 office for four years and until his successor shall be elected and
3 qualified; provided that in a county with a population of less than
4 150,000, according to the most recent federal census, in any
5 precinct in which there may be a city of 18,000 or more
6 inhabitants, there shall be elected two Justices of the Peace, and
7 in a county with a population of 150,000 or more, according to the
8 most recent federal census, each precinct may contain more than one
9 Justice of the Peace Court.

10 SECTION 2. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held November 3, 1987.
12 The ballot shall be printed to provide for voting for or against
13 the proposition: "The constitutional amendment providing that
14 certain justice precincts may contain more than one justice of the
15 peace court."

1 By: Lyon S.J.R. No. 6
2 (In the Senate - Filed July 7, 1987; July 8, 1987, read first
3 time and referred to Committee on State Affairs; July 15, 1987,
4 reported favorably by the following vote: Yeas 8, Nays 0;
5 July 15, 1987, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Farabee				x
8 Blake	x			
9 Barrientos	x			
10 Caperton	x			
11 Edwards	x			
12 Harris	x			
13 Henderson	x			
14 Leedom				x
15 Lyon				x
16 McFarland				x
17 Parmer	x			
18 Sarpalius	x			
19 Washington				x
20				

21 SENATE JOINT RESOLUTION

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31 the State with a population of 18,000 or more but less than 30,000,
32 according to the most recent federal census, from time to time, for
33 the convenience of the people, shall be divided into not less than
34 two and not more than five precincts. Each county in the State
35 with a population of less than 18,000, according to the most recent
36 federal census, from time to time, for the convenience of the
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39 precinct, shall be divided into not more than four precincts.
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42 people, shall be divided into not less than two and not more than
43 six precincts. A division or designation under this subsection
44 shall be made by the Commissioners Court provided for by this
45 Constitution. In each such precinct there shall be elected one
46 Justice of the Peace and one Constable, each of whom shall hold his
47 office for four years and until his successor shall be elected and
48 qualified; provided that in a county with a population of less than
49 150,000, according to the most recent federal census, in any
50 precinct in which there may be a city of 18,000 or more
51 inhabitants, there shall be elected two Justices of the Peace, and
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53 most recent federal census, each precinct may contain more than one
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* * * * *

Austin, Texas
July 15, 1987

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred S.J.R. No. 6, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Farabee, Chairman

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

7/15/87
(date)/(time)

Sir:

We, your Committee on STATE AFFAIRS to which was referred
SJR 6 by Lyon have on 7/14, 1987, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Farabee, Chairman				<input checked="" type="checkbox"/>
Blake, Vice Chairman	<input checked="" type="checkbox"/>			
Barrientos	<input checked="" type="checkbox"/>			
Caperton	<input checked="" type="checkbox"/>			
Edwards	<input checked="" type="checkbox"/>			
Harris	<input checked="" type="checkbox"/>			
Henderson	<input checked="" type="checkbox"/>			
Leedom				<input checked="" type="checkbox"/>
Lyon				<input checked="" type="checkbox"/>
McFarland				<input checked="" type="checkbox"/>
Parmer	<input checked="" type="checkbox"/>			
Sarpalius	<input checked="" type="checkbox"/>			
Washington				<input checked="" type="checkbox"/>
TOTAL VOTES	8			5

Glenna Lugo
COMMITTEE CLERK

John L. ...
CHAIRMAN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

July 14, 1987

R E V I S E D

TO: Honorable Ray Farabee, Chairman In Re: Senate Joint Resolution No. 6
Committee on State Affairs Second Called Session
Senate Chamber By: Lyon
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 6 (proposing a constitutional amendment providing that certain justice precincts may contain more than one justice of the peace court) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would require a county with a population of less than 150,000 to elect two Justices of the Peace and would allow a county with a population of 150,000 or more to maintain more than one Justice of the Peace Court in each precinct. The fiscal implications to counties cannot be determined since salary and administration costs vary among counties and it is not known which counties would choose to add Justice of the Peace Courts.

The cost of publication of the resolution to the State is estimated to be \$45,000.

Source: Comptroller of Public Accounts;
LBB Staff: JO, HES, JWH, KVO, NH

July 16 1987 Engrossed
Patsy Shaw
Engrossing Clerk

1987 JUL 17 AM 11:41

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct
copy of SJR 6, which was
received from the Senate on JUL 16 1987 and
referred to the Committee on Judicial Affairs

Betty M. Mearns
Chief Clerk of the House

By: Lyon
(Blackwood)

S.J.R. No. 6

SENATE JOINT RESOLUTION

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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Constitution is amended to read as follows:

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more, according to the most recent federal census, from time to
time, for the convenience of the people, shall be divided into not
less than four and not more than eight precincts. Each county in
the State with a population of 18,000 or more but less than 30,000,
according to the most recent federal census, from time to time, for
the convenience of the people, shall be divided into not less than
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with a population of less than 18,000, according to the most recent
federal census, from time to time, for the convenience of the
people, shall be designated as a single precinct or, if the
Commissioners Court determines that the county needs more than one
precinct, shall be divided into not more than four precincts.
Notwithstanding the population requirements of this subsection,
Chambers County, from time to time, for the convenience of the
people, shall be divided into not less than two and not more than
six precincts. A division or designation under this subsection
shall be made by the Commissioners Court provided for by this
Constitution. In each such precinct there shall be elected one

1 Justice of the Peace and one Constable, each of whom shall hold his
2 office for four years and until his successor shall be elected and
3 qualified; provided that in a county with a population of less than
4 150,000, according to the most recent federal census, in any
5 precinct in which there may be a city of 18,000 or more
6 inhabitants, there shall be elected two Justices of the Peace, and
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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

July 14, 1987

R E V I S E D

TO: Honorable Ray Farabee, Chairman In Re: Senate Joint Resolution No. 6
Committee on State Affairs Second Called Session
Senate Chamber By: Lyon
Austin, Texas

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The cost of publication of the resolution to the State is estimated to be \$45,000.

Source: Comptroller of Public Accounts;
LBB Staff: JO, HES, JWH, KVO, NH

LEGISLATIVE BUDGET BOARD

Austin, Texas

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Senate Chamber By: Lyon
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No fiscal implication to the State is anticipated.

Source: Comptroller of Public Accounts;
LBB Staff: JO, HES, JWH, KVO, NH

HOUSE COMMITTEE REPORT

87 JUL 17 PM 5:52
HOUSE OF REPRESENTATIVES

1st Printing

By: Lyon
(Blackwood)

S.J.R. No. 6

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3 qualified; provided that in a county with a population of less than
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5 precinct in which there may be a city of 18,000 or more
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13 the proposition: "The constitutional amendment providing that
14 certain justice precincts may contain more than one justice of the
15 peace court."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

7/17/87
(date)

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS,

to whom was referred SJR 4 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

☒ do pass, without amendment.

☐ do pass, with amendment(s).

☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure ☐ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure Blackwood

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hury, Ch.	<input checked="" type="checkbox"/>			
Rangel, V.C.	<input checked="" type="checkbox"/>			
Perry, C.B.O.				<input checked="" type="checkbox"/>
Hudson, S.	<input checked="" type="checkbox"/>			
Luna, G.	<input checked="" type="checkbox"/>			
Parker				<input checked="" type="checkbox"/>
Schoolcraft	<input checked="" type="checkbox"/>			
Smithee	<input checked="" type="checkbox"/>			
Thompson, S.				<input checked="" type="checkbox"/>

Total

6 aye

0 nay

0 present, not voting

3 absent

[Signature]
CHAIRMAN

1
[Signature]
COMMITTEE COORDINATOR

BILL ANALYSIS

COMMITTEE ON JUDICIAL AFFAIRS

Second Called Session

By: Lyon
(House Sponsor - Blackwood)

S.J.R. 6

BACKGROUND INFORMATION

The Texas Constitution has a very complicated set of requirements for how many justice of the peace and constable precincts may exist in each county and whether there may be one or two justices of the peace in each precinct. Based on population, these requirements are especially restrictive of the larger urban counties. No county may have more than eight precincts and no precinct may have two justices of the peace unless a city of 18,000 people or more is wholly contained within that precinct. Some counties have few, if any, cities of 18,000 wholly within the county. Also, the largest central cities cannot be placed entirely in one precinct yet, because of concentrations of minority populations, there is sometimes a need or a requirement under the U.S. Voting Rights Act to maintain two justices of the peace in those areas.

PURPOSE OF BILL

This resolution, if approved by the voters, would only affect counties of 150,000 in population or more, allowing them to place one or more justices of the peace in each precinct as they determine is necessary.

RULE-MAKING AUTHORITY

This bill neither creates nor confers rule-making authority.

SECTION-BY-SECTION ANALYSIS

SECTION 1: Amends Article V, Section 18(a), of the Texas Constitution to allow a county with a population of 150,000 or more, according to the most recent federal census, to elect more than one Justice of the Peace in each precinct.

SECTION 2: Sets a date of November 3, 1987, for the constitutional amendment to be submitted to the voters.

SUMMARY OF COMMITTEE ACTION

S.J.R. 6 was considered in a formal meeting on July 17, 1987. The Committee voted to report S.J.R. 6 with the recommendation that it do pass and be sent to Calendars with a record vote of 6 Ayes, 0 Nays, 0 PNV, and 3 Absent.

2

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

July 17, 1987

TO: Honorable James F. Hury, Jr., Chair
Committee on Judicial Affairs
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution
No. 6, as engrossed
Second Called Session
By: Lyon

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 6, as engrossed (proposing a constitutional amendment providing that certain justice precincts may contain more than one justice of the peace court) this office has determined the following:

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The cost of publication of the resolution to the State is estimated to be \$45,000.

Source: Comptroller of Public Accounts;
LBB Staff: JO, HES, JWH, KVO, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

July 14, 1987

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LEGISLATIVE BUDGET BOARD

Austin, Texas

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July 14, 1987

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Senate Chamber By: Lyon
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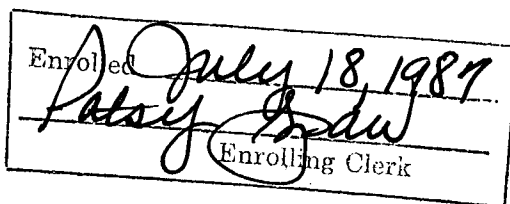
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22
S.J.R. No. 6

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 6 was adopted by the Senate on July 16, 1987, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 6 was adopted by the House on July 18, 1987, by the following vote: Yeas 135, Nays 3, one present not voting.

Chief Clerk of the House

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

July 17, 1987

TO: Honorable James F. Hury, Jr., Chair
Committee on Judicial Affairs
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution
No. 6, as engrossed
Second Called Session
By: Lyon

FROM: Jim Oliver, Director

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The cost of publication of the resolution to the State is estimated to be \$45,000.

Source: Comptroller of Public Accounts;
LBB Staff: JO, HES, JWH, KVO, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

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LEGISLATIVE BUDGET BOARD

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No fiscal implication to the State is anticipated.

Source: Comptroller of Public Accounts;
LBB Staff: JO, HES, JWH, KVO, NH

S.J.R. No. 6

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 6 (1) was adopted by the
Senate on July 16 (2), 1987, by the following vote:
Yeas 30 (3), Nays 0 (4).

Secretary of the Senate

I hereby certify that S.J.R. No. 6 (1) was adopted by the
House on July 18 (5), 1987, by the following vote:
Yeas 135 (6), Nays 3 (7); *one present not voting.*

Chief Clerk of the House

7-7-87

Filed with the Secretary of the Senate

JUL 8 1987Read and referred to Committee on STATE AFFAIRSJUL 15 1987

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

JUL 16 1987

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ yeas, ____ nays

JUL 16 1987

Read second time, _____, and ordered engrossed by:

unanimous consenta viva voce vote

____ yeas, ____ nays

Caption ordered amended to conform to the body of the bill.

JUL 16 1987Senate and Constitutional 3 Day Rule suspended by a vote of 29 yeas, 1 nays.JUL 16 1987Read third time, _____, and passed by 30 yeas, 0 nays.Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

July 16, 1987

Engrossed

July 16, 1987

Sent to House

Patsy Spaw

Engrossing Clerk

JUL 16 1987

Received from the Senate

JUL 17 1987Read first time and referred to Committee on Judicial AffairsJUL 17 1987Reported favorably amended, sent to Printer 4:05 pmJUL 17 1987JUL 17 1987Printed and Distributed 5:52 p.m.JUL 18 1987Sent to Committee on Calendars 9:00 pmJUL 18 1987Read second time (amended) and finally adopted~~failed adoption~~ by Record Vote of 135 yeas, 3 nays, 1 present not voting.

Read third time (amended) and finally adopted

failed adoption by a Record Vote of _____ yeas, _____ nays, _____ present not voting.

Caption ordered amended to conform to body of resolution

JUL 18 1987

Returned to Senate.

Betty Murray

CHIEF CLERK OF THE HOUSE

JUL 18 1987

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____.

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommended to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

87 JUL 17 PM 5:52

HOUSE OF REPRESENTATIVES

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